

**CITY COUNCIL MEETING
CITY OF WATERTOWN
December 19, 2011
7:00 P.M.**

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCIL MEMBER ROXANNE M. BURNS
COUNCIL MEMBER JOSEPH M. BUTLER JR.
COUNCIL MEMBER TERESA R. MACALUSO
COUNCIL MEMBER JEFFREY M. SMITH
MAYOR GRAHAM**

ALSO PRESENT: **MARY M. CORRIVEAU, CITY MANAGER
CITY ATTORNEY JAMES A. BURROWS**

City staff present: Jim Mills, Ken Mix, Kurt Hauk, Elliott Nelson, Andrew Nichols, Donna Dutton, Elyse Frezzo, Amanda Lewis

The City Manager presented the following reports to Council:

- Resolution No. 1 - Appointment to the Roswell P. Flower Memorial Library Board of Trustees, Robert J. Dalton
- Resolution No. 2 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 4-27-409.000 Known as 985 Marble Street To Brady S. Boynton, 730 Lawrence Street, Watertown, New York 13601
- Resolution No. 3 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 5-14-103.000 Known as 1543 State Street To Steven and Karen Roberts, 848 W. Main St, Watertown, New York 13601
- Resolution No. 4 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 1-17-210.001 Known as 451 Martin Street To TS Vendors, Inc., 329 Broadway Ave. West, Watertown, New York 13601
- Resolution No. 5 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 1-17-209.000 Known as 465 Martin Street To TS Vendors, Inc., 329 Broadway Ave. West, Watertown, New York 13601
- Resolution No. 6 - Authorizing Sale of Real Property, Known as M30 Charles Street to Ray E. Worcester, 152 Winthrop Street, Watertown, New York 13601
- Resolution No. 7 - Authorizing Sale of Real Property, Known as M32 Charles Street to Ray E. Worcester, 152 Winthrop Street, Watertown, New York 13601
- Resolution No. 8 - Authorizing Sale of Real Property, Known as M34 Charles Street to Ray E. Worcester, 152 Winthrop Street, Watertown, New York 13601
- Resolution No. 9 - Authorizing Sale of Real Property, Known as M31 Cleveland Street to Ray E. Worcester, 152 Winthrop Street, Watertown, New York 13601

- Resolution No. 10 - Authorizing Sale of Real Property, Known as 59 Woodley Street to Joseph C. DeYear, 529 West Street, Watertown, New York 13601
- Resolution No. 11 - Authorizing Sale of Real Property, Known as 60 Woodley Street to Joseph C. DeYear, 529 West Street, Watertown, New York 13601
- Resolution No. 12 - Authorizing an Agreement for Professional Services with Lu Engineers for the Remediation of Environmental Contamination at the Former Ogilvie Foods Site, 148 North Pleasant Street
- Resolution No. 13 - Authorizing an Application to the NYS DEC to Enter the Ogilvie Brownfield Site into the Brownfield Cleanup Program, and Authorizing the Subsequent Brownfield Site Cleanup Agreement
- Resolution No. 14 - Approving the Site Plan for the Construction of a 7,728 Square Foot Residence at 164 Breen Avenue, Parcel 7-14-119
- Sales Tax Revenue – November 2011
- Elected and Appointed Officials, NYS Retirement System, New Regulation Reporting Requirements
- 138 Court Street – Request for Proposals

Complete Reports on file in the office of the City Clerk

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of December 5, 2011 and the adjourned meeting of December 12, 2011 was dispensed and accepted as written by motion of Council Member Jeffrey M. Smith, seconded by Council Member Joseph M. Butler, Jr. and carried with all voting in favor thereof.

P R E S E N T A T I O N S

Mayor Graham interrupted the regular course of business to present Donna M. Dutton with the First Citizen's Award and a City Coin. Ms. Dutton has been employed by the City of Watertown for 29 years and has served as the City Clerk for 21 years. She will be retiring at the end of this year.

P R I V I L E G E O F T H E F L O O R

Anthony J. Doldo Jr., Breen Avenue, addressed the chair concerning the proposed Victim Assistance Center's boarding house on Breen Avenue. He stated this project is being considered a boarding house and there is no explanation for this classification under the zoning laws. He received an email from the Department of State in reference to this stating most municipalities include a phrase stating that when there is an issue with a concept, word or element of the zoning regulations, the common dictionary definition is intended to apply.

Angelica J. Smith, Emmett Street, addressed Council stating there has been much opposition to the domestic violence assistance center being built in her neighborhood. She understands that Council is only voting on zoning but feels that the zoning is extremely antiquated. She explained that the average home in

the immediate area is approximately 1200–1500 sq ft and states a 7500 sq ft facility will change the atmosphere of the neighborhood. She stated the Victims Assistance Center withheld information from the residents of the neighborhood and did not invite everyone to the initial meeting. She also was concerned that the shelter will not be on the tax roll knowing that a buyer has proposed building houses on the site which would pay taxes and generated revenue for the city. She asked Council to postpone tonight's vote to a later date so that alternative options can be reviewed and discussed.

George E. Mead III, attorney for the Victims Assistance Center, addressed Council stating he as well as Elaina Marra, executive director of Victims Assistance Center and Ed Ollie, GYMO were present to answer any questions that Council might have on this project. He stated that the Victims Assistance Center already owns the property and that no other buyers exist. He explained that there was no requirement for a public meeting but they took it upon themselves to meet with adjoining property owners. In addition, they were trying to keep the project quiet and did not notify the press. He added that the Victims Assistance Center does have property rights and those rights referenced in the zoning laws allows the use as a shelter which meets the definition of a boarding house.

Rose Cavise, Coffeen Street, addressed Council stating there has been a problem with transparency for many years. She was concerned that Council was voting on an issue that was just approved by the Planning Board last Wednesday.

Matthew D. Ray, 715 Eddy Street, told Council that he fully supports the Victims Assistance Center and welcomes them with open arms. He hopes his neighbors can find it in their hearts to do so as well.

RESOLUTIONS

Resolution No. 1 - Appointment to the Roswell P. Flower Memorial Library Board of Trustees, Robert J. Dalton

Introduced by Council Member Roxanne M. Burns

BE IT RESOLVED by the City Council of the City of Watertown, New York, that Robert J. Dalton, 313 Ten Eyck Street, Watertown, New York, is hereby appointed to the Roswell P. Flower Memorial Library Board of Trustees, for a term of eleven (11) years, which term expires December 31, 2022.

Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.

Resolution No. 2 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 4-27-409.000 Known as 985 Marble Street To Brady S. Boynton, 730 Lawrence Street, Watertown, New York 13601

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City of Watertown is the owner of a certain tax sale certificate on a lot of land known as 985 Marble Street as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 04-27-409.000, and

WHEREAS the tax sale certificate has not been redeemed within the two year redemption period per City Charter Section 140, and

WHEREAS the City Council does not wish to take title to this property, and

WHEREAS the City Comptroller held a public auction on December 13, 2011 as authorized by City Council on November 16, 2011 for the purpose of assigning the City's tax sale certificate,

NOW THEREFORE BE IT RESOLVED that the offer of \$800.00 submitted by Brady S. Boynton for the purchase of the tax sale certificate for Parcel No. 04-27-409.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the City Comptroller is directed to assign the City's tax sale certificate for the above parcel to Brady S. Boynton upon the Comptroller's receipt of certified funds in the amount of \$800.00.

Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.

Prior to the vote on the foregoing resolution, Council Member Butler asked if the Codes Department will look at the property and communicate to the new owner what needs to be done to bring the property up to code.

Mrs. Corriveau stated this will be done by the Codes Department.

Council Member Smith asked if the issuance of the tax certificate has a provision stating the property has to comply with codes within one year similar to the sale of city property.

Mrs. Corriveau replied that it does not because the City only holds the Tax Sale Certificate and does not own the property at this point.

James A. Burrows, City Attorney added that when the real property is sold, this provision is put in the deed to require compliance.

Resolution No. 3 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 5-14-103.000 Known as 1543 State Street To Steven and Karen Roberts, 848 W. Main St, Watertown, New York 13601

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City of Watertown is the owner of a certain tax sale certificate on a lot of land known as 1543 State Street as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 05-14-103.000, and

WHEREAS the tax sale certificate has not been redeemed within the two year redemption period per City Charter Section 140, and

WHEREAS the City Council does not wish to take title to this property, and

WHEREAS the City Comptroller held a public auction on December 13, 2011 as authorized by City Council on November 16, 2011 for the purpose of assigning the City's tax sale certificate,

NOW THEREFORE BE IT RESOLVED that the offer of \$13,600.00 submitted by Steven and Karen Roberts for the purchase of the tax sale certificate for Parcel No. 05-14-103.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the City Comptroller is directed to assign the City's tax sale certificate for the above parcel to Steven and Karen Roberts upon the Comptroller's receipt of certified funds in the amount of \$13,600.00.

Seconded by Council Member Roxanne M. Burns and carried with all voting yea.

Resolution No. 4 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 1-17-210.001 Known as 451 Martin Street To TS Vendors, Inc., 329 Broadway Ave. West, Watertown, New York 13601

Introduced by Council Member Teresa R. Macaluso

WHEREAS the City of Watertown is the owner of a certain tax sale certificate on a lot of land known as 451 Martin Street as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 01-17-210.001, and

WHEREAS the tax sale certificate has not been redeemed within the two year redemption period per City Charter Section 140, and

WHEREAS the City Council does not wish to take title to this property, and

WHEREAS the City Comptroller held a public auction on December 13, 2011 as authorized by City Council on November 16, 2011 for the purpose of assigning the City's tax sale certificate,

NOW THEREFORE BE IT RESOLVED that the offer of \$1,300.00 submitted by TS Vendors, Inc. for the purchase of the tax sale certificate for Parcel No. 01-17-210.001, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the City Comptroller is directed to assign the City's tax sale certificate for the above parcel to TS Vendors, Inc. upon the Comptroller's receipt of certified funds in the amount of \$1,300.00.

Seconded by Council Member Jeffrey M. Smith and carried with all voting yea.

Resolution No. 5 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 1-17-209.000 Known as 465 Martin Street To TS Vendors, Inc., 329 Broadway Ave. West, Watertown, New York 13601

Introduced by Council Member Roxanne M. Burns

WHEREAS the City of Watertown is the owner of a certain tax sale certificate on a lot of land known as 465 Martin Street as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 01-17-209.000, and

WHEREAS the tax sale certificate has not been redeemed within the two year redemption period per City Charter Section 140, and

WHEREAS the City Council does not wish to take title to this property, and

WHEREAS the City Comptroller held a public auction on December 13, 2011 as authorized by City Council on November 16, 2011 for the purpose of assigning the City's tax sale certificate,

NOW THEREFORE BE IT RESOLVED that the offer of \$1,300.00 submitted by TS Vendors, Inc. for the purchase of the tax sale certificate for Parcel No. 01-17-209.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the City Comptroller is directed to assign the City's tax sale certificate for the above parcel to TS Vendors, Inc. upon the Comptroller's receipt of certified funds in the amount of \$1,300.00.

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.

Prior to the vote on the foregoing resolution, Mayor Graham noted that TS Vendors' address is 329 Broadway which is a residential area.

Attorney Burrows replied that he assumes this is only a mailing address for business purposes and it should not cause any code issues at this time.

Resolution No. 6 - Authorizing Sale of Real Property, Known as M30 Charles Street to Ray E. Worcester, 152 Winthrop Street, Watertown, New York 13601

Introduced by Council Member Jeffrey M. Smith

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as M30 Charles Street, approximately 30' x 95' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 03-06-404.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$100.00 submitted by Ray E. Worcester for the purchase of Parcel No. 03-06-404.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Ray E. Worcester upon receipt of the above mentioned sum of money in cash only by the City Comptroller, and

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers, the City shall have the right to seek and be entitled to receive reversion of title to the premises to the City.

Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.

Prior to the vote on the foregoing resolution, Mayor Graham asked if these properties have been sold prior.

James Mills, City Comptroller replied that the City has routinely tried to sell these properties and thought M32 Charles Street had come back through once.

Resolution No. 7 - Authorizing Sale of Real Property, Known as M32 Charles Street to Ray E. Worcester, 152 Winthrop Street, Watertown, New York 13601

Introduced by Council Member Teresa R. Macaluso

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as M32 Charles Street, approximately 50' x 100' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 03-06-403.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$100.00 submitted by Ray E. Worcester for the purchase of Parcel No. 03-06-403.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Ray E. Worcester upon receipt of the above mentioned sum of money in cash only by the City Comptroller, and

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers, the City shall have the right to seek and be entitled to receive reversion of title to the premises to the City.

Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.

Resolution No. 8 - Authorizing Sale of Real Property, Known as M34 Charles Street to Ray E. Worcester, 152 Winthrop Street, Watertown, New York 13601

Introduced by Council Member Jeffrey M. Smith

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as M34 Charles Street, approximately 50' x 100' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 03-06-402.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$100.00 submitted by Ray E. Worcester for the purchase of Parcel No. 03-06-402.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Ray E. Worcester upon receipt of the above mentioned sum of money in cash only by the City Comptroller, and

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers, the City shall have the right to seek and be entitled to receive reversion of title to the premises to the City.

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.

Resolution No. 9 - Authorizing Sale of Real Property, Known as M31 Cleveland Street to Ray E. Worcester, 152 Winthrop Street, Watertown, New York 13601

Introduced by Council Member Roxanne M. Burns

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as M31 Cleveland Street, approximately 70' x 30' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 03-06-405.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$100.00 submitted by Ray E. Worcester for the purchase of Parcel No. 03-06-405.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Ray E. Worcester upon receipt of the above mentioned sum of money in cash only by the City Comptroller, and

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers, the City shall have the right to seek and be entitled to receive reversion of title to the premises to the City.

Seconded by Council Member Jeffrey M. Smith and carried with all voting yea.

Resolution No. 10 - Authorizing Sale of Real Property, Known as 59 Woodley Street to Joseph C. DeYear, 529 West Street, Watertown, New York 13601

Introduced by Council Member Roxanne M. Burns

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as 59 Woodley Street, approximately 50' x 73' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 01-24-202.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$100.00 submitted by Joseph C. DeYear for the purchase of Parcel No. 01-24-202.000, is a fair and reasonable offer therefore and the same is hereby

accepted, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Joseph C. DeYear upon receipt of the above mentioned sum of money in cash only by the City Comptroller, and

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers, the City shall have the right to seek and be entitled to receive reversion of title to the premises to the City.

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.

Resolution No. 11 - Authorizing Sale of Real Property, Known as 60 Woodley Street to Joseph C. DeYear, 529 West Street, Watertown, New York 13601

Introduced by Council Member Jeffrey M. Smith

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as 60 Woodley Street, approximately 50' x 73' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 01-24-201.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$100.00 submitted by Joseph C. DeYear for the purchase of Parcel No. 01-24-201.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Anthony Garcia upon receipt of the above mentioned sum of money in cash only by the City Comptroller, and

BE IT FURTHER RESOLVED that the deed issued by the City contain a provision that if the property sold is not brought into compliance with all applicable provisions of the Uniform Construction Codes, as defined by Watertown City Code Chapter 120, and the Code of the City of Watertown within one (1) year from the date of delivery of the quit claim deed of their sale to subsequent buyers, the City shall have the right to seek and be entitled to receive reversion of title to the premises to the City.

Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.

Resolution No. 12 - Authorizing an Agreement for Professional Services with Lu Engineers for the Remediation of Environmental Contamination at the Former Ogilvie Foods Site, 148 North Pleasant Street

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City of Watertown entered into a Cooperative Agreement with the United States Environmental Protection Agency on March 23, 2011 for financial assistance with the remediation of environmental contamination at the former Ogilvie Foods property at 148 North Pleasant Street, and

WHEREAS the City issued a Request for Proposals for professional assistance related to the remediation on July 11, 2011, and

WHEREAS nine proposals were received and reviewed by a selection committee, and that committee recommended that the City award to Lu Engineers the contract for professional services, and

WHEREAS an agreement for professional services has been drafted, a copy of which has been attached and made part of this resolution, and

NOW THEREFORE BE IT RESOLVED that the City of Watertown approves the Agreement for Professional Services with Lu Engineers for professional services related to the remediation of environmental contamination at the former Ogilvie Foods property, with a fee not to exceed \$58,095.00, and

BE IT FURTHER RESOLVED that the City Manger is hereby authorized and directed to execute the Agreement on behalf of City Council.

Seconded by Council Member Joseph M. Butler, Jr. and carried with all voting yea.

Resolution No. 13 - Authorizing an Application to the NYS DEC to Enter the Ogilvie Brownfield Site into the Brownfield Cleanup Program, and Authorizing the Subsequent Brownfield Site Cleanup Agreement

Introduced by Council Member Joseph M. Butler, Jr.

WHEREAS the City of Watertown entered into a Cooperative Agreement with the United States Environmental Protection Agency on March 23, 2011 for financial assistance with the remediation of

environmental contamination at the former Ogilvie Foods property at 148 North Pleasant Street (“Ogilvie Site”), and

WHEREAS the City desires to enter into the Brownfield Cleanup Program administered by the State of New York Department of Environmental Conservation, and

WHEREAS the City must therefore make an application to that Department, and subsequently enter into a Brownfield Site Cleanup Agreement in order to enjoy the benefits of the Program,

NOW THEREFORE BE IT RESOLVED that the City of Watertown hereby authorizes the City Manager to submit an application to the New York State Department of Environmental Conservation for entry of the Ogilvie Site into the Brownfield Cleanup Program, and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to enter into a Brownfield Site Cleanup Agreement with the New York State Department of Environmental Conservation related to the remediation of environmental contamination on said Ogilvie Site.

Seconded by Council Member Jeffrey M. Smith and carried with all voting yea.

Resolution No. 14 - Approving the Site Plan for the Construction of a 7,728 Square Foot Residence at 164 Breen Avenue, Parcel 7-14-119

Introduced by Council Member Roxanne M. Burns

WHEREAS Pat Scordo of GYMO, PC has made an application for site plan approval for the construction of a 7,728 square foot residence at 164 Breen Avenue, parcel 7-14-119, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meeting held on December 6, 2011, and recommended that the City Council of the City of Watertown approve the site plan with ten conditions, and

WHEREAS the applicant submitted revised plans to the City Engineer on December 14, 2011, and those plans satisfied all of the Planning Board’s recommended conditions of approval except for the following:

- 1) The applicant shall coordinate with the City regarding the lowering of the conduit prior to installation of the driveway entrance.
- 2) The applicant shall either submit a Stormwater Pollution Prevention Plan to the Department of Environmental Conservation (copy to the City Engineer’s office), or provide calculations showing the disturbed area to be less than one acre.

And,

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part 2, and has determined that the project, as submitted, is Unlisted and will not have a significant effect on the environment,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed construction and site plan constitute an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED that it is an express condition of this site plan approval that the applicant provide the City Engineer with a copy of any change in stamped plans forming the basis for this approval at the same time such plans are provided to the contractor. If plans are not provided as required by this condition of site plan approval, the City Codes Enforcement Officer shall direct that work on the project site shall immediately cease until such time as the City Engineer is provided with the revised stamped plans. Additionally, any change in the approved plan which, in the opinion of the City Engineer, would require Amended Site Plan approval, will result in immediate cessation of the affected portion of the project work until such time as the amended site plan is approved. The City Codes Enforcement Officer is requested to periodically review on-site plans to determine whether the City Engineer has been provided with plans as required by this approval, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that site plan approval is hereby granted to Patrick Scordo of GYMO, PC for the construction of a 7,728 square foot residence at 164 Breen Avenue, parcel 7-14-119, as submitted to the City Engineer on December 14, 2011, contingent on the applicant making the revisions and meeting the conditions recommended by the Planning Board as listed above.

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.

Prior to the vote on the foregoing resolution, Council discussed the completion of the Short Environmental Assessment Form and Attorney Burrows reminded Council that they should only consider the structure, not the use of the structure, and its impact on the environment.

Council Member Butler stated he understands the resident's position in opposing this project but it was approved by Planning Board. He knows this may be an unpopular decision but in taking the oath of office, he must protect property owners' rights. He stated he cannot deny someone the right to buy the property and build a structure that conforms within that residential zone. He added this is a Residential C zone and this is an allowable use so he supports the Victims Assistance Center.

Council Member Smith wanted to make clear that Council is not voting on whether the building is built or it is proper zoning but just approving the site plan. He reiterated that this is proper zoning for that structure in that area. He understands the concerns of the neighbors but noted that Council cannot obstruct the rights of the property owner if they are using the property within an allowed legal use. He added that he will support this project.

Council Member Butler commended Elaina Marra on her efforts to inform the residents at the meeting last Wednesday.

Council Member Smith mentioned that this neighborhood was chosen because it is a great neighborhood and the residents should be proud of themselves for that.

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Council discussed the following topics:

Utilities Manager Position within the City Engineer Department

Kurt Hauk, City Engineer gave a presentation on the new Utilities Manager Position which was included in this year's budget. Mr. Hauk reviewed the current structure and chain of command of the Engineering Department noting that as of this year the Water Department now falls under Engineering. He proposed that the new Utilities Manager position will oversee all the utility areas such as the Water Department, the Waste Water Treatment Plant and the Hydroelectric Plant. He told Council that this would centralize these facilities and provide a better change of authority because there are a lot of similarities in these facilities. He indicated that this position would be responsible for managing the regulatory burden of all three areas, budgeting and oversight of expenditures, combining resources for equipment purchases and training, creating policy, overseeing the accounts receivable normally done under the Water Department and managing the outside contracts. He said that this individual will maximize the City's power generation and maximize the efficiency of the Water and Waste Water.

Council Member Macaluso asked if this person would be over Gary Pilon and Mike Sligar.

Mr. Hauk explained that Mike Sligar is the chief operator for the Waste Water Plant, Brian Gaffney is the chief operator for the Filtration Plant and an engineer manages the Hydroelectric Plant part-time. He further explained that the Utilities Manager would oversee these individuals and operations. In response to Council Member Smith's inquiry, he clarified that the distribution of the sanitary sewer is under DPW but the Waste Water Facility falls under Engineering.

Council Member Smith stated that this is a big structural change which needs more discussion possibly in a work session. He is not in favor of it and stated that Council is currently trying to correct a structural change within the Parks and Recreation Department. He added that Mr. Pilon does not favor this change as well and feels that Council needs to hear Mr. Pilon's input.

Mr. Hauk stated that he has reviewed this with Mr. Pilon to ensure he understands the reasoning and particulars of this change. He showed Council an organizational chart of the Engineering Department once the Utilities Manager is in place.

Mrs. Corriveau explained that the water distribution stayed with the Utilities Manager.

Mayor Graham asked if the Water Superintendent reported directly to the City Manager in the past.

Mrs. Corriveau clarified that the Water Superintendent had reported to her in past but in July of this year, the position started reporting to Mr. Hauk under Engineering. She further explained the Mr. Pilon, Water Superintendent has been working part-time since his retirement to transition through this process. In response to Council Member Butler's question, she responded that there will no longer be a Water Superintendent and the Utilities Manager position will take over those duties as well as oversee Waste Water and Hydro.

Council Member Smith remarked that the Water Department is being absorbed by the Engineering Department but the Engineering Department is already overwhelmed. In his opinion, this is a recipe for disaster and Council is already cleaning up the mess at Parks and Recreation.

Mr. Hauk reviewed the Utilities Manager Background and Timeline information.

Mayor Graham agrees that Water and Sewer should fall under the Utilities Manager but wonders if this position should be a department head instead of falling under Engineering. He stated it has functions such as billing, financial issues and contractual obligations that normally Engineering does not deal with.

Mr. Hauk clarified that currently the Waste Water Treatment Plant is under Engineering and the billing is done by the Water Department but all that is tracked and managed through the Engineering Department. He added that an engineer is managing the Hydroelectric Plant which takes time away from an engineer that could be doing more suitable duties. He reiterated that Water has been under him since June and he is just trying to centralize some of the functions and become more efficient.

Council Member Smith stated that Council approved a new position in the budget but he did not approve a structural change that eliminates a department head which reports directly to the City Manager. He assumed Mr. Pilon was still a department head even though he retired and was working part-time.

Council Member Butler asked how many hours Mr. Pilon is currently working.

Mr. Hauk responded that Mr. Pilon works as needed and agreed to bridge the gap between his retirement and this new position.

Council Member Burns agreed with Council Member Smith and is hesitant to put additional Water Department duties under Engineering. She reminded Council that Engineering is doing less and less projects in-house because of the work overload of the Engineering Department.

Mr. Hauk responded that this change would increase the efficiency of their operations.

Council Member Butler confirmed that Mr. Hauk was still in the chain of command and questioned why the Utilities Manager could not report directly to the City Manager.

Mr. Hauk stated that was not discussed with him and he was only asked to develop a plan if the Water Department was to come under his department after Mr. Pilon's retirement.

Mrs. Corriveau pointed out that Water and Sewer must be involved in the discussions many times when Engineering is doing a project.

Mayor Graham stated that no one disagrees with the idea of a Utilities Manager but the question is whether it should be its own department. He remembers having discussions about this but does not recall it falling under Engineering. He stated that he is not ready to set a salary and it needs more discussion.

Mrs. Corriveau responded that the Sewage Treatment Plant's budget currently comes under Engineering and at budget time, Mr. Sligar as well as the department head is at the table.

Council Member Butler asked who would prepare the water budget now.

Mr. Hauk replied that the budget is initiated at the plant level, then through the Utilities Manager, then Mr. Hauk and finally the City Manager.

Council Member Butler confirmed that the budgets will be prepared the same as they had in the past but would go through the Utilities Manager first prior to Mr. Hauk and the City Manager.

Council Member Smith reiterated that the Utilities Manager should be its own department to prevent a similar situation to Parks and Recreation. It is his understanding that Parks and Recreation had requested more staffing during budgeting but was denied by the department head prior to it being presented to the City Manager. He indicated that he cannot support this structural change to the City and feels that Council should have discussed it first prior to Mr. Hawk being asked to develop a reorganizational plan.

Mayor Graham noted that the water distribution was under the Water Department and sewer collection was under DPW and asked if sewer is too integrated to be its own entity.

Mrs. Corriveau responded that sewer crosses back in forth between storm sewer and sanitary sewer.

Mr. Hauk stated that there is a difference in the requirements of the Department of Health and there is more linkage with the production and distribution of clean drinking water than the collection of sanitary. He explained the care and diligence taken in purifying the water has to be maintained by the distribution staff and he said it should be kept as one entity so that there is not a break in focus. He added that because of the regulatory burdens and the engineering that comes with operating the Sewer Treatment Plant, the plant just gravitates towards engineering.

Mrs. Corriveau mentioned that staff has been talking about this reorganization for a number of years and Mr. Pilon had indicated for the past three to four years that he had a desire to retire which he ultimately did in July.

Mayor Graham wondered if the billing functions of the Water Department should be given to the Comptroller Department.

Mr. Hauk explained that this is a function of the water people now and those duties would not change. He stated that there would be a loss of focus if they are separated out and those people should continue to do their functions as they have always done.

Mayor Graham asked how many people Mr. Hauk would be supervising.

Mr. Hauk replied the staffing and the functions all remain the same and it is a matter of oversight. He added that right now these areas are decentralized and bringing them under one umbrella would be more efficient.

Council Member Smith pointed out that these areas all have their own budget and asked who would track the staff's time on a project to expense it out to each individual budget.

Mr. Hauk replied that the budget tracks it by percentages and they track what they do by projects which are then divided out by fund.

Mrs. Corriveau reviewed with Council the budget line item that appears in the water fund budget, the sewer fund budget and engineering budget for the Utilities Manager. She also mentioned that the water fund budget has a partial year's salary for a Water Superintendent. She clarified that the revenue and expenses for the water fund are separate from the general fund and currently staff is divided between the water fund and the sewer fund.

Mayor Graham reiterated that the consolidation of functions is worthwhile but it should not be inserted as another layer under the Engineering Department. In addition, he inquired if the Water Superintendent is designated in the City Charter and would a charter amendment be in order for this change.

Attorney Burrow stated that the City Charter does list a Water Superintendent.

Mrs. Corriveau commented that the Utilities Manager could serve as a Water Superintendent.

Council Member Macaluso noted that things are not changing because all these people currently report to Mr. Hauk.

Mrs. Corriveau confirmed that they do as of July and she made this structural change when Mr. Pilon retired and came back part-time.

Council Member Smith asked if these structural changes can be made without legislative input and wondered why the Council was not informed.

Mrs. Corriveau stated that it was incorporated into the budget in April which was presented to Council and the Council approved it in June. She explained the salary for the Utilities Manager was in the budget.

Council Member Burns commented that the wording of the budget did not clearly state that this new position would now fall under the City Engineer and there should have been more discussion.

In response to Mayor Graham's question, Mrs. Corriveau and Attorney Burrows stated they will review the City Charter and how it relates to this new position.

Council concurred that there needs to be more discussion at a later time regarding this structure change.

Sales Tax Revenue – November 2011

Sales Tax Revenue for November 2011 was available for the Council to review.

Elected and Appointed Officials, NYS Retirement Systems, New Regulation Reporting Requirements

A report regarding the elected and appointed officials, NYS Retirement System, new regulation reporting requirements was given to Council to review.

138 Court Street – Request for Proposals

Council Member Smith asked if the final RFP's have gone out.

Kenneth Mix, City Planning Coordinator responded that the final version was presented to Council and the first round has been distributed.

Council Member Smith noted that it listed "for commercial and residential use" and wondered if it should have listed "and/or".

Mr. Mix responded that they will be accepting any proposal and look at its merit. He will look at the background of the developer and whether the project is a benefit to downtown. He stressed that the track record is important in determining if the project will be completed. He confirmed that they are not excluding anyone from submitting a proposal and they are anticipating submitting this project for consideration of CDBG and HOME funding.

Council Member Smith stated that he did not want this to be too restrictive and wanted an open process.

Intersection of Franklin Street and Public Square

Council Member Butler asked if there was a state law stating no right-hand turn on a right light based on the crosswalk.

Attorney Burrows stated that unless there is something posted stating it is not allowed, then right on red is allowed.

Mrs. Corriveau stated that the intersection is posted no right on red but she will investigate this further.

Intersection of Massey Street and Stone Street

Council Member Macaluso stated that she has been questioned about the light at this intersection and stated that the light crossing Massey Street seems very long.

Motion was made by Council Member Joseph M. Butler, Jr. to move into Executive Session to discuss the employment history of particular individuals.

Motion was seconded by Council Member Jeffrey M. Smith and carried with all voting in favor thereof.

Council moved into Executive Session at 8:44 P.M..

Council reconvened at 9:30 P.M..

A D J O U R N M E N T

At the call of the chair, meeting was duly adjourned at 9:30 P.M. by motion of Mayor Jeffrey E. Graham, Seconded by Council Member Teresa R. Macaluso and carried with all voting in favor thereof.

Ann M. Saunders

Deputy City Clerk